

IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor	Istvan EROS	
Patent App.	10/575,145	
Filed	23 March 2007	Conf. No. 1615
For	TRANSDERMAL PHARMACEUTICAL COMPOSITION	
Art Unit	4131	Examiner Kadambi, G

Hon. Commissioner of Patents
Box 1450
Alexandria, VA 22313-1450

REPORT OF INTERVIEW

The undersigned is providing a summary record of the telephone interview that took place on 12 August 2008 at 1:30 PM in which Examiner Kadambi and Supervisory Examiner Marshall discussed this application with the Applicants' undersigned representative. The undersigned indicated that he had filed an amendment in response to the outstanding office action on 3 July 2008 and that Applicants believe that the response fully addresses all of the issues raised in the office action relating to 35 USC 112, second paragraph and 35 USC 103 in view of the cited prior art.

Examiner Kadambi indicated that the amendment addressed all of the issues raised under 35 USC 112. Applicants have removed all improper multiple dependent claims. Both Examiners indicated that the amendment was fully responsive to the arguments set forth

in the previous office action stating that the invention as last claimed was obvious under 35 USC 103 in view of the cited prior art. Examiner Marshall indicated that Applicants' arguments may serve to patentably distinguish the claims over the cited prior art, but that the Examiners reserved the right to conduct a new search of the prior art before reaching any decisions.

The Applicants' undersigned representative asked the Examiners if perhaps the claims that were broader than the elected species claims 80 through 85 might be allowable as well. Examiner Marshall indicated that the Examiners will double check the patentability of the elected species claims and if these claims appear to be allowable, that the examiners will search the prior art to determine if the remaining claims are patentable as well.

Applicants' undersigned representative stressed that the BUNSCHOTEN et al reference did not specifically disclose the combination of an estrogen compound and a progestin compound for the purpose of hormone replacement therapy (HRT), but disclosed a combination of such compounds for providing contraception. Applicants indicated that this argument appeared particularly relevant to the method of treatment claim 85 directed to a method of treating a patient for moderate to severe vasomotor symptoms, as well as hot flashes, nocturnal sweating and palpitations.

Examiner Kadambi referred to col. 4, lines 3 to 24 of the POUYANI et al reference and stated that portion of the reference appeared to disclose hyaulronic acid/sodium hyaluronate

preparations in the prior art. The Examiner indicated that Applicants did not fully address this point in their amendment. The undersigned did not dispute that POUYANI et al disclosed hyaluronic acid/sodium hyaluronate, but stated that the reference did not disclose sodium hyaluronate as per se useful as an ingredient in the gel compositions disclosed in the reference. The undersigned pointed out that in fact the reference discloses that the hyaluronic acid/sodium hyaluronate must be covalently functionalized with a dihydrazide at the gluconic acid sites of the hyaluronate structure in order to form a biocompatible gel that is stable enough to function as a drug carrier that is not subject to degradation, especially at a pH below 2 or above 9. See col. 3, line 39 to col. 4, line 2. Nowhere in the reference is hyaluronic acid per se or sodium hyaluronate per se (non-functionalized) disclosed in the formation of a liquid crystal gel as in the presently claimed invention.

Examiner Marshall then indicated that Applicants need take no further steps at this time, but should wait for the Examiners to analyze the claims and the prior art.

Applicants wish to thank Examiners Marshall and Kadambi for holding the telephone interview and discussing the claims now on file and the cited prior art references.

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